

THE MAGAZINE OF THE IMO INTERNATIONAL MARITIME LAW INSTITUTE - MALTA. No. 46/2022

IMO-IMLI SPECIALIZED COURSES

The IMO International Maritime Law Institute (IMLI), since its inception, has had the objective of enhancing capacity-building, especially in developing States. Recognizing that capacity-building is key in ensuring sustainable States' development, in particular in ensuring an effective international maritime regime, IMLI has spearheaded numerous academic activities in the areas of international maritime law, particularly regarding the effective implementation of existing IMO regulations and prescriptions.

These academic initiatives are designed to serve IMO Member States and have consolidated IMLI's reputation as a centre of excellence in the dissemination of knowledge in international maritime law. The ground-breaking work of IMLI continues to play a significant role in the realization of the IMO goals and has transformed the Institute into a cornerstone of the IMO's Integrated Technical Cooperation Programme.

Despite the COVID-19 pandemic unprecedented challenges, the Institute remained committed in delivering its mission through training in international maritime law of the highest educational standards.

Availing of the delivery online of its teaching activities, the Institute expanded its global outreach through the organization of specialized short courses for government officials in niche areas of international maritime law. These specialized short courses allowed officials who were unable to attend the IMLI training for a whole academic year or any extended period of time to enhance their knowledge in a specific area of their interest.

Through their attendance, the large body of government officials were exposed to the formidable work of the IMO in ensuring sustainable shipping for a sustainable planet and the vital role of other international organizations, courts, and tribunals in upholding the rule of international maritime law.

The IMLI specialized courses demonstrated that IMLI is a small institution with a global mission. Through its unique training initiatives, the Institute provided access to quality education to professionals from all over the world, especially from Small Island Developing States and Least Developed Countries, as well as to deserving women candidates forming part of a global network of maritime leaders who speak the common language of international maritime law.



IMO WORK OPERATIONAL ASPECTS PROGRAMME

To further increase the cooperation between IMLI and IMO, IMLI launched in 2020 its "IMO Work Operational Aspects Programme". This Programme is designed to bring virtually to students the broad practical experience of IMO officers and to equip the participants with the necessary knowledge and skills to contribute effectively to the realisation of IMO's goals. The programme offered participants substantial



IMO Directors of Divisions who addressed the Programme in 2021-2022
Row 1- L-R: Dr. Heike Deggim (Director, Maritime Safety Division, IMO),
Mr. Arsenio Dominguez (Director, Marine Environment Division, IMO)
and Mrs. Ariane Gireud (then Director, Conference Division, IMO)

Row 2- L-R: Mr. Frederick Kenney (Director, Legal Affairs and External Relations Division, IMO) and Mr. Xiaojie Zhang (Director, Technical Cooperation Division, IMO)

insights in the work of the Organization in safety, security, environmental protection, and facilitation of trade aspects. For the academic year 2021-2022, this extensive Programme was delivered between November 2021 and May 2022.

IMLI COURSE ON THE PROTECTION OF THE MARINE ENVIRONMENT AND OCEAN GOVERNANCE

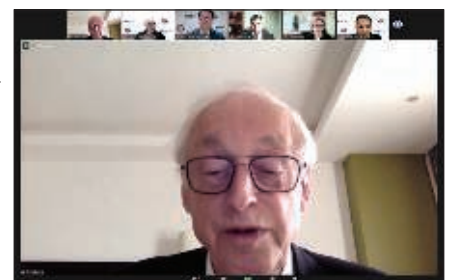
This IMLI Course focused on the protection of the marine environment within the integrated global ocean governance of various maritime activities. Participants were introduced to the international regulatory framework, especially the IMO treaties, which contribute to the prevention of marine pollution as well as to cooperation, response and compensation in case of pollution incidents. The Course ran from February to the conclusion of the academic year, bringing together over 25 world experts in the field who provided practical perspectives and experiences. For the academic year 2021-2022, the Course was inaugurated by Mr. Koji Sekimizu (Secretary-General Emeritus, IMO) and was attended by government nominated participants, including Ambassadors, Alternate Permanent Representatives, Ministers Counsellor and Senior Foreign Officers, who were nominated by their respective Permanent Representatives to IMO.



Mr. Koji Sekimizu (Secretary-General Emeritus, IMO) delivering the Inaugural Lecture

IMLI COURSE ON INTERNATIONAL MARITIME SECURITY LAW

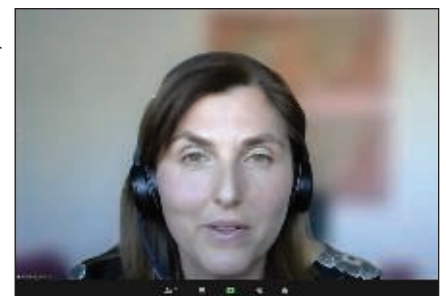
The Course covered the critical maritime security threats to the international rule of law at sea and the freedom of navigation. It addressed the gravity of these threats and the existing international laws and State practices deterring the same. The Course also focused on the current legal developments ensuring the safe navigation of ships, protection of offshore installations and coasts of maritime States as well as the contribution of international organisations, especially IMO, and regional cooperation in overcoming maritime security threats. The Course which commenced in February, was attended by the IMLI students and over 60 external international participants, hailing from a wide range of countries and working for their national administrations. The participation of several external participants was made possible thanks to the support of IMO. Professor Dr. Dr. h.c. Rüdiger Wolfrum (President Emeritus of ITLOS and Head of Projects at the Max Planck Foundation) inaugurated the Course.



Professor Dr. Dr. h.c. Rüdiger Wolfrum (President Emeritus of ITLOS and Head of Projects at the Max Planck Foundation) delivering the Inaugural Lecture

IMLI COURSE ON SEAFARERS' RIGHTS

This specialized Course brought together seven world experts in the field who provided practical perspectives and experiences to the IMLI students and over 30 government nominated participants from over 40 countries. It addressed many aspects of maritime labour law, such as the functions of ILO, IMO, ITF and other organisations committed to the protection of seafarers' rights, the different international instruments dealing with seafarers and their rights and duties, with particular emphasis on the Maritime Labour Convention 2006 (MLC). The Course also included dedicated lectures



Ms. Beatriz Vacotto (Head of the Maritime Unit, International Labour Standards Department, ILO) delivering the Inaugural Lecture

the ITF and ITF Seafarers' Trust in promoting seafarers' rights. Ms. Beatriz Vacotto (Head of the Maritime Unit, International Labour Standards Department, ILO) inaugurated the Course.

IMLI COURSE ON LAW OF PORTS

IMLI's Third Annual Course on the Law of Ports commenced on Tuesday, 1 February 2022. The Course was inaugurated by Dr. Jan Hoffmann (Chief, Trade Logistics Branch Division on Technology and Logistics, UNCTAD), who also warmly welcomed the IMLI students and the international participants who hailed from all over the world. The Course participants, in addition to building up their theoretical skills in Law of Ports through intensive lectures delivered by distinguished fellows, had also the opportunity to benefit from the practical expertise of over 25 leading professionals working in ports. The Course was attended by government nominated participants, including Permanent and Alternate Permanent Representatives of countries to IMO, Senior Career Diplomats, Directors General of Port Authorities and Legal Advisors, who were nominated by their Permanent Representatives to IMO.



Dr. Jan Hoffmann (Chief, Trade Logistics Branch Division on Technology and Logistics, UNCTAD) delivering the Inaugural Lecture

IMLI COURSE ON PEACEFUL SETTLEMENT OF MARITIME DISPUTES AND DELIMITATION OF MARITIME BOUNDARIES

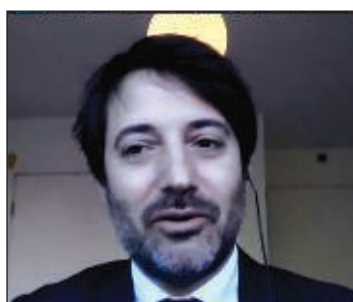
Judge Albert J. Hoffmann (President, International Tribunal for the Law of the Sea - ITLOS) delivered the inaugural address for the IMLI Course on Peaceful Settlement of Maritime Disputes and Delimitation of Maritime Boundaries. This Course was designed to provide a comprehensive introduction to, and an analysis of, different international maritime dispute settlement mechanisms, especially those provided for in the United Nations Convention on the Law of the Sea, and their application in delimitation of maritime boundaries. The Course, which started in April 2022, included 27 government nominated participants and brought together over 25 world experts in the field, who provided practical perspectives and experiences. These participants, including Ambassadors, Alternate Permanent Representatives, Ministers Counsellor, and Senior Foreign Officers, were nominated by their respective Permanent Representatives to IMO.



Judge Albert J. Hoffmann (President of the International Tribunal for the Law of the Sea (ITLOS)) delivering the Inaugural Lecture

IMLI PROGRAMME ON THE LAW OF TREATIES

IMLI's second dedicated programme on the Law of Treaties, commenced on 8 November 2021. Professor David Attard (Director, IMLI) delivered the introductory address and Dr. David Nanopoulos (Chief of the Treaty Section, United Nations), delivered the inaugural lecture. Through an analysis of the provisions of the 1969 Vienna Convention on the Law of Treaties and developments found in jurisprudence and doctrine, this specialized Programme provided an overview of the Law of Treaties – commencing with the value of treaties as a source of international law, and thereafter analysing the most essential features of treaties such as the adoption and authentication of text, the States' expression of consent to be bound by treaties, entry into force, treaty interpretation, third States and treaties, methods of amendment, duration and termination, invalidity of treaties, treaties with international organizations and the relationship of treaties with domestic law. Among participants, there were Ambassadors, Alternate Permanent Representatives of countries to IMO, Directors of Government Departments, and Diplomats, who were nominated by their respective Permanent Representatives to IMO.



Dr. David Nanopoulos (Chief of the Treaty Section, United Nations) delivering the Inaugural Lecture

THE SIXTH CONSECUTIVE MARITIME TRANSPORT POLICY SEMINAR HELD AT IMLI

For the sixth consecutive year, IMLI in collaboration with IMO and WMU held a Maritime Transport Policy Seminar. IMO promotes the concept of a National Maritime Transport Policy as a good governance practice to guide planning, decision making and legislation in the maritime sector and as a key driver for a country's sustainable development. The Seminar expanded on these principles and provided the students the opportunity to participate in a practical group exercise which enabled them to explore the concept of a National Maritime Transport Policy and formulate key aspects of such policy for an imaginary country.



Row 1 - L-R: Professor Raphael Baumler (Professor; Head of Maritime Safety and Environmental Administration, WMU), and Professor Henning Jessen (Associate Professor of Maritime Law and Policy, WMU)

Row 2 - L-R: Mr. Jonathan Pace (Chief, Subdivision for Programme Management and Coordination, Technical Cooperation Division, IMO), and Professor George Theocharis (Professor of Maritime Law and Policy, WMU)

IMO SECRETARY-GENERAL DELIVERS KEYNOTE SPEECH AT THE IMOGEN WOMEN-ON-BOARD LAUNCH

Mr. Kitack Lim (Secretary-General, IMO) delivered the Keynote Speech during the launch of the "IMOGEN Women-on-Board" which was attended by over 110 international participants.



Mr. Kitack Lim (Secretary-General, IMO and Chairman of the IMLI Governing Board)

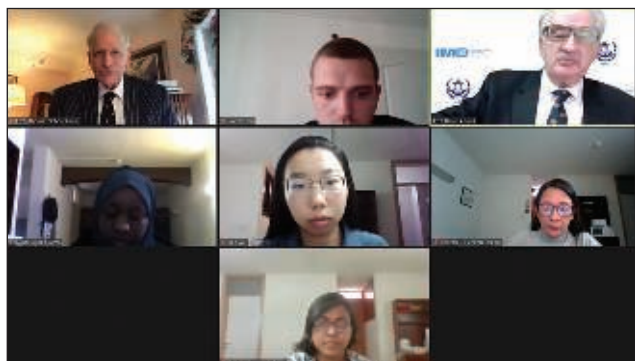
Professor David Attard (Director, IMLI) delivered the welcoming remarks. Ambassador Genevieve Jean-Van Rossum (Permanent Representative of France to IMO), Ms. Gillian Grant (Canada's Alternate Permanent Representative to IMO), Dr. Michaela Muscat Spaak (Malta's Alternate Permanent Representative to IMO) and Dr. Emma Portelli Bonnici (IMLI Student Representative) also addressed the event. To ensure greater visibility, the Institute collaborates closely with IMO within its "Women in Maritime programme". This initiative contributes further to the Organization's goal in empowering women in the maritime sector and preserving the legacy of World's Maritime Day Theme 2019.



*Row 1 Ambassador Genevieve Jean-Van Rossum (Permanent Representative of France to IMO), Professor David Attard (Director, IMLI) and Mr. Kitack Lim (Secretary-General, IMO)
Row 2 Dr. Michaela Muscat Spaak (Malta's Alternate Permanent Representative to IMO), Ms. Gillian Grant (Canada's Alternate Permanent Representative to IMO), and Dr. Emma Portelli Bonnici (IMLI Student Representative (Class of 2020-2021))*

THE IMLI DISTINGUISHED SCHOLAR LECTURE “THE GOOD SHIP EVER GIVEN AND THE LAW: A PRELIMINARY ASSESSMENT”

Professor Thomas J. Schoenbaum (Shefelman Distinguished Professor of Law, George Washington University School of Law) delivered on 12 April 2021 the IMLI Distinguished Scholar Lecture “The Good Ship Ever Given and the Law: A Preliminary Assessment”.



Professor Thomas J. Schoenbaum (Shefelman Distinguished Professor of Law, George Washington University School of Law) with Professor David Attard (Director, IMLI) and some participants during his lecture

Professor Schoenbaum was welcomed and introduced to the participants by Professor David Attard (Director, IMLI). In his introduction, Professor Attard referred to Professor Schoenbaum as one of the world’s most distinguished international maritime lawyers. Over 200 participants, predominantly government officials from all over the world, registered their attendance to this lecture.

THE UNITED NATIONS GENERAL ASSEMBLY EXPRESSES APPRECIATION FOR THE WORK OF IMLI

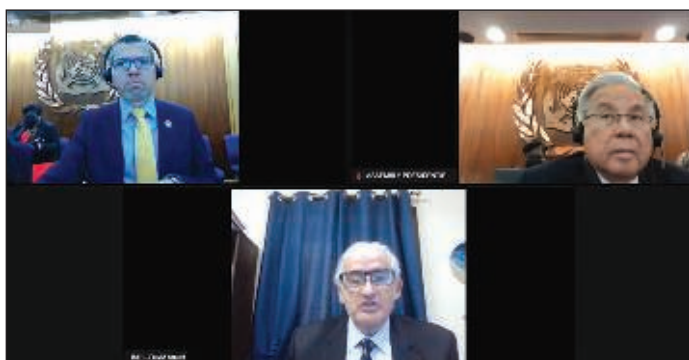
The United Nations General Assembly adopted on 9 December 2021, during its seventy-sixth session, Resolution A/RES/76/72 entitled “Oceans and the law of the sea”. The Resolution, which was adopted by 131 votes in favor, tackles the main aspects of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and calls upon States that have not done so to become parties to the Agreement for the Implementation of the Provisions of UNCLOS, to harmonize national legislation with the Convention, and for capacity-building initiatives to consider the needs of developing countries.

The General Assembly, through this Resolution, acknowledged for the fourteenth consecutive year the contribution of the IMO International Maritime Law Institute (IMLI) to the international community. In paragraph 30 of this Resolution the UN’s highest representative body recognizes: “[...]”

IMLI as a centre of education and training of specialists in maritime law, including government legal advisers and other high-level officials, mainly from developing States, confirms its effective capacity-building role in the field of international maritime law, shipping law and marine environmental law, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute which runs annually...”

IMLI DIRECTOR DELIVERED AN INTERVENTION DURING THE IMO ASSEMBLY 32ND SESSION

Professor David Attard (Director, IMLI) delivered an intervention during the IMO Assembly’s 32nd session from 6 to 15 December 2021 held at the IMO Headquarters in London. He stated that the Institute continued with its efforts to enhance capacity-building in all IMO Member States, especially developing countries. Through its programmes in international maritime law and treaty obligations’ implementation the Institute has now trained 1,001 graduates in 149 States.



Professor David Attard (Director, IMLI) during his Intervention

He stated further, that in order to increase its services to the IMO Member States, the Institute launched numerous specialised training programmes which cover a wide area of maritime Law. Professor Attard’s speech was followed by interventions of Representatives from the Bahamas, Indonesia, Namibia, Nigeria and South Africa who expressed their appreciation to the Director and IMLI for the most valuable services to the international maritime community.

AFRICAN UNION LEGAL COUNSEL DELIVERS A DISTINGUISHED SCHOLAR LECTURE AT IMLI

Her Excellency Ambassador Dr. Namira Negm (Legal Counsel, the African Union), delivered a Distinguished Scholar Lecture entitled “African Union Ocean Governance and Capacity Building” on 7 May 2021. She was introduced to the participants by Professor David Attard (Director, IMLI) who expressed his pleasure at her acceptance of the Institute’s invitation.



Her Excellency Ambassador Dr. Namira Negm (Legal Counsel, the African Union)

Professor Attard highlighted that Ambassador Negm has a thorough understanding of international law, having occupied several distinguished positions in the Egyptian Foreign Ministry. Ambassador Negm is the first woman to assume the responsibility of the Office of the Legal Counsel of the African Union. Her accomplishment was a new landmark achievement not just for her birth country Egypt but also for women globally, especially Africa.

DELEGATES RECOGNIZED AND PRAISED THE ROLE OF IMLI IN CAPACITY BUILDING DURING THE 109TH SESSION OF THE IMO LEGAL COMMITTEE

The 109th session of the IMO Legal Committee was held virtually from 23 to 25 March 2022. During the meeting, Ms. Gillian Grant (Canada’s Alternate Permanent Representative to IMO and Chair, IMO Legal Committee) congratulated Mr. Si Thu Aung (Myanmar), graduate of the IMLI Class of 2020-2021, for having won the IMO Secretary-General’s Prize for Best Dissertation during the IMLI 2021 Graduation Ceremony. Ms. Grant stated that one of the highlights in her work at the Legal Committee is reading the prize-winning dissertation which is submitted from IMLI every year as INF paper.

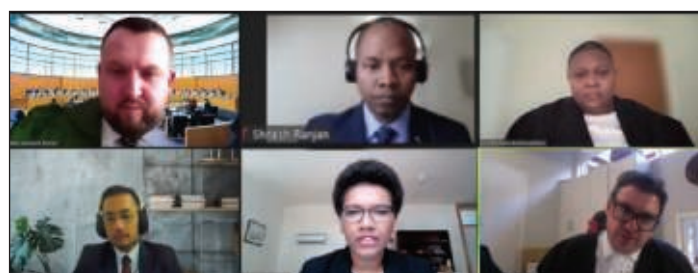


Ms. Gillian Grant (Canada’s Alternate Permanent Representative to IMO and Chair, IMO Legal Committee)

Ms. Grant’s intervention was followed by a statement from the delegate from Argentina who also congratulated Mr. Aung. She further noted that the IMLI programmes were not interrupted during the height of the pandemic and this, she said, was very important for so many students, especially as many of them are officials from developing countries. In this regard, Argentina proposed inserting into the Committee’s Report, recognition for IMLI in maintaining its training throughout the pandemic and for putting emphasis on capacity-building for officials from developing countries and also for the gradual and increasing inclusion of the Law of the Sea in its curriculum. She concluded her statement with a heartfelt thanks to the Institute’s Director, Professor David Attard.

The Chair, in her reply to Argentina, supported the statement made, adding that IMLI indeed does a remarkable work in providing legal education to lawyers from around the world and that “the IMO is lucky to have IMLI as an Institution”. Ms. Grant also confirmed that reference to the importance of the Institute’s role in capacity-building will be included in the Report.

IMLI MOOT COURT COMPETITION 2022



The Chamber of Judges

on the sterling work of The Institute held its traditional Moot Court Competition on 25 May 2021. The Moot Court exercise served as the culmination of the IMLI Course on Peaceful Settlement of Maritime Disputes and Delimitation of Maritime Boundaries. The exercise was conducted by the Class of 2022, which was divided into representatives of two imaginary States (Republic of Itika and Republic of Atlea) and a Chamber of six Judges. During the Moot Court exercise, the respective parties argued for and against the prima facie jurisdiction of the Tribunal under Part XV of the United Nations Convention on the Law of the Sea. The Moot Court was a student-led exercise, assisted by Mr. Murat Sümer (The Nippon Foundation Lecturer on International Maritime Law) and Dr. Sanjeet Ruhul (The Nippon Foundation Lecturer in International Maritime Security Law). Through this exercise, the students put into practice the lessons learnt from the IMLI Course on Peaceful Settlement of Maritime Disputes and Delimitation of Maritime Boundaries.

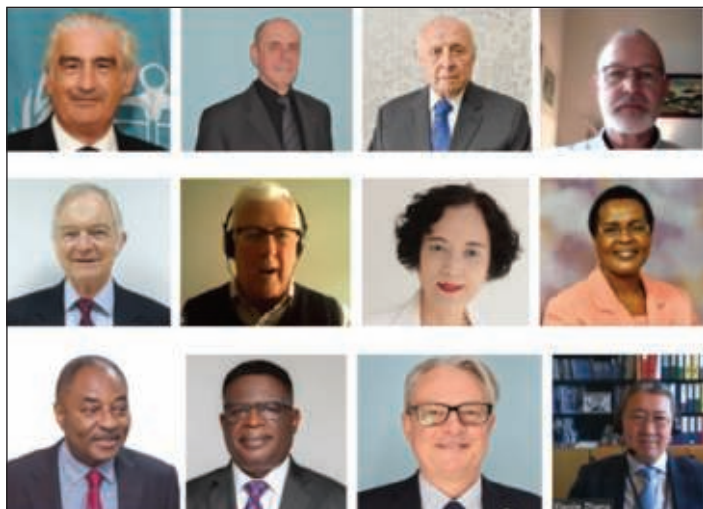
IMLI GOVERNING BOARD HOLDS ITS 35TH SESSION

The 35th session of the IMLI Governing Board (the Board) was held virtually on 19 July 2021. The session was chaired by Mr. Kitack Lim (Secretary-General, IMO and Chairman of the IMLI Governing Board), and attended by Professor David Attard, Dr. Philippe Boisson, Ambassador Victor Camilleri, Dr. Reto Dürler, Dr. Patrick Griggs, Mr. Jim Harrison, Professor Atsuko Kanehara, Ms. Nancy Karigithu, Dr. Louis N. Mbanefo, Dr. Kofi Mbiah and Mr. Xiaojie Zhang.



Mr. Kitack Lim,
Chairman of the IMLI Governing Board

The Governing Board reviewed the Financial and Academic progress of the Institute for the period between 1 June 2020 and 30 June 2021. The Director presented the respective reports for the Board's comments and recommendations. Upon the request of Governor Griggs, the following was inserted into the record of the meeting "The Governing Board wishes to record its appreciation of the manner in which the Director, the academic staff and the support staff have adapted the work of the Institute during the Covid-19 Pandemic. The result has been an uninterrupted academic programme and yet another group of students fully equipped to advance their careers in the service of their countries..."



Members of the IMLI Governing Board

Row 1 Professor David Attard, Dr. Philippe Boisson,
Ambassador Victor Camilleri and Dr. Reto Dürler

Row 2 Dr. Patrick Griggs, Mr. Jim Harrison, Professor Atsuko Kanehara
and Ms. Nancy Karigithu

Row 3 Dr. Louis N. Mbanefo, Dr. Kofi Mbiah, Professor Dr. Marko Pavliha,
and Mr. Xiaojie Zhang

Professor David Attard (Director, IMLI) wishes to congratulate Vice-Admiral Cristiano Aliperta (Alternate Permanent Representative of the Republic of Palau to IMO) on his appointment as a Member of the IMLI Governing Board.



Vice-Admiral Cristiano Aliperta (Alternate Permanent Representative of the Republic of Palau to IMO)

IMLI HOSTS THE 15TH ITLOS REGIONAL WORKSHOP HELD IN MALTA

Judge Albert Hoffmann (President of the International Tribunal for the Law of the Sea (ITLOS)) opened the fifteenth regional workshop dedicated to "The Role of the International Tribunal for the Law of the Sea in the Settlement of Disputes relating to the Law of the Sea" on 2 June 2022. The two-day workshop was held in Malta and was organized in cooperation with IMLI and with the support of the Republic of Cyprus and the Korea Maritime Institute. The workshop welcomed representatives of Albania, Cyprus, Egypt, Greece, Italy, and Malta, as well as officials of IMLI.

In his opening statement, President Hoffmann highlighted the long-standing maritime history of Malta and its impact on the contemporary law of the sea. Echoing Ambassador Arvid Pardo's now famous address to the First Committee of the United Nations General Assembly, the President reiterated that the problems of ocean space are closely interrelated and need to be considered as a whole and affirmed that the resources of the seabed beyond national jurisdiction belong to the common heritage of humankind. The President expressed his gratitude to IMLI and to Judge Professor David Attard (Director, IMLI) for the support in the organization of the workshop. He also thanked the Republic of Cyprus and the Korea Maritime Institute, whose funding made the organization of the workshop possible.

In his welcoming remarks, Judge Professor Attard emphasized the important role of the Tribunal in upholding the principles enshrined in the United Nations Convention on the Law of the Sea for the peaceful resolution of maritime disputes, noting that the Tribunal has established itself as an active and effective body in deciding law of the sea disputes.

The workshop programme included an overview of proceedings before the Tribunal, with sessions dedicated to jurisdiction, urgent proceedings, advisory proceedings, and the procedure for bringing cases before the Tribunal, as well as presentations on the jurisprudence of the Tribunal regarding maritime delimitation disputes. Presentations were given by President Hoffmann, Vice-President Tomas Heidar, Judges Attard, Jin-Huyn Paik and Ida Caracciolo, and Registrar Ximena Hinrichs Oyarce.

The Tribunal's workshops aimed to familiarize participants with the dispute settlement mechanisms established by the United Nations Convention on the Law of the Sea and with the procedure applicable to cases before the Tribunal. To date, workshops have been held in Dakar, Kingston, Libreville, Singapore, Bahrain, Buenos Aires, Cape Town, Fiji, Mexico City, Nairobi, Bali, San José, Mindelo and Montevideo.



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